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09/804,383	03/13/2001	Kenneth Hinckley	03797.00060	1177

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EXAMINER

DINH, DUC Q

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/804,383	Applicant(s) HINCKLEY ET AL.	
	Examiner DUC Q. DINH	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/04/02, 5/24/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 06, 2006 has been entered.

Double Patenting

2. It is noted that the Claims 1-31 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-54 of copending Application No. 09/543,723 as indicated in the Office Action mailed on 12/18/02. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-7, 9-10,16-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiphane (U.S Patent No. 6,680,677) in view of Murai et al. (U. S. Patent No. 5,635,958), hereinafter Murai

In reference to claim 1, Tiphane discloses a computer system (Figs. 13-14) including auxiliary control (keyboard 10 having group of auxiliary control 16) associating with a method comprising a steps of:

detecting a first physical proximate to or contacting the first auxiliary control (a finger is in contact with or proximity to a key 16; col. 2, lines 50-65) in which the first auxiliary control maintains in inactive state; and

generating feedback responsive to the step of detecting, the feedback including an indication of plurality of applications (Figs. 14,15) providing an indication of the functionality of the first auxiliary control, the functionality of the first auxiliary control associated feedback being dependent upon which one of the plurality of application programs is active (a finger is in contact with or proximity to a key 16; col. 2, lines 50-65)

In this embodiment of his invention, Tiphane does not disclose detecting a physical presence proximate to or contacting an auxiliary control for a predetermined period. However, in the other embodiment of his invention (Figs. 1-2), Murai discloses the display operation associated with a key top is touched or approached by a finger at regular interval (detecting a physical presence proximate to or contacting an auxiliary control for a predetermined period; col. 4, line 67- col. 3, lines 6).

It would have been obvious for one of ordinary skill in the art to provide the step of detecting a physical presence proximate to or contacting an auxiliary control for a predetermined

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period in the method of Tiphane because this would provide the time for the system to make the decision as to the keytop is touched or approached by the finger at regular time interval to provide the display feedback. (col. 4, lines 29-32 of Murai).

In reference to claim 2, Tiphane discloses the feedback includes acoustic feedback (col. 3, lines 25-30).

In reference to claim 3, Tiphane discloses the system has the game controller including the first auxiliary control (col. 4, lines 31-35).

In reference to claim 5, Tiphane discloses the feedback is known for using in the art of input device (col. 1, lines 47-50).

In reference to claim 5, refer to the rejection as applied to claim 2 and 5.

In reference to claim 6, the keyboard of Tiphane inherently including a pointing device a the right side of the (conventional) keyboard that maintain in inactive state, i.e. not used in the first predefined period.

In reference to claim 7, Tiphane discloses a display screen 24 and the step of generating includes the step of displaying a first displaying widget on the display screen (24) responsive for the step of detecting (col. 2, lines 50-56).

In reference to claim 10, Murai discloses the indication of the display operation which provide the guide separately from an information input, disappears when the finger is released (detecting an absence of the physical presence or contacting the control; col. 4, lines 48-50) satisfying the limitation detecting absent of the first physical presence of contacting the first auxiliary control for a second predefined period in which the first auxiliary control maintains the inactive state while displaying the first display widget; and discontinuing display of the first

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display widget, responsive to detecting the absence of the first physical presence for the second predefined period in which the first auxiliary control maintains the inactive state.

In reference to claim 11, Tiphane discloses discontinuing a first display widget responsive to activation of a secondary auxiliary control (col. 2, lines 50-56).

In reference to claims 9, refer to the rejection as applied to claims 1-7. Murai discloses in the embodiment discloses in Fig. 15, a text macro and displays at least a portion of text corresponding to the text macro (translate the data in the designated area) associated with the first auxiliary control.

It would have been obvious for one of ordinary skill in the art to provide the text macro associated with the auxiliary control as discloses in Fig. 15 of Murai in the display 24 of Tiphane for providing a descriptive statement for providing detail of the icon's functionality, i.e.: translate the data in the designated area associated.

In reference to claims 16-17, Tiphane discloses every key on the keyboard, or sub-group of keys (16 or 20) includes proximity sensor. When a user's finger is adjacent to the key, this is detected and information about the function of the key can be displayed on display 24... ; in addition, Murai discloses each icon is displayed in correspondence with the physical position in the horizontal and vertical directions of each key. In the process, assume that a finger is in contact with or in proximity to a key. As shown in FIG. 14, the brightness of a specific icon changes, thereby indicating that execution of a corresponding process is anticipated. That implied when a second physical presence proximate to or contact to any key (second auxiliary control different from first auxiliary control); the brightness of the specific icon is changed

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(generating other feedback displaying second display widget) responsive to the step of detecting; discontinuing display the first display widget responsive to detecting the second physical presence (dimming the previous brighten icon) [Figs. 14, col. 16-31].

In reference to claims 18-19, refer to the rejection as applied to claims 1, 16-17; in addition, Tiphane disclose the combination of first and second auxiliary control and the second feedback indicating functionality associated with the combination of the first and second control keys separate on a keyboard input device (see Fig 1-2; col. 4, lines 1-30).

In reference to claim 20, refer to the rejection as applied to claim 1 and 16-17. In addition, Tiphane disclose specific application will be launch by activating the first auxiliary control (col. 4, lines 13-25). Murai discloses in the embodiment discloses in Fig. 15, tool tip (i.e. textual label “translate”) associated with the first auxiliary control, the tool tip (translate) indicating one of the identity of a user (translating the document; Fig. 15 shows a display screen, in which a descriptive statement of the icon, i.e.: tool tip, changed in color is display on the display) and the application, i.e. translate, that will be launch by activating the first auxiliary control (the brightness of the specific icon changes... A subsequent depression of the key addresses and executes an actual process (col. 7, lines 25-32).

In reference to claims 21-22, Tiphane discloses the computer system with keyboard (Fig. 1) including a first auxiliary control 16 (computer system in Fig. 1 with keyboard and control 16 is a button).

In reference to claim 23, Tiphane discloses the first auxiliary is a combination of keys (col. 4, lines 1-13) and Murai discloses the same (col. 7, lines 61-65).

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In reference to claim 24, Tiphane discloses the system as claimed in Fig. 1 and 2; and Murai shows in Fig. 19 and acceleration sensor 27 is mounted in a lower portion of the housing in the palm rest area 25 and act as mouse (pointing device) and button or key 1 as auxiliary control.

In reference to claim 25, Fig. 15 shows the tool tip (translate data in designated area) identifies an application will be launch by activating the control.

In reference to claim 26, Fig. 15 shows the application is one of the file explorer as and Tiphane discloses messaging application (col. 2, 66-67) claimed.

In reference to claim 28, refer to the rejection as applied to claims 16-17. In addition, Fig. 15 shows a tool tip which is a descriptive statement of the icon (translate data in designated area for the translating application icon) associated with the second auxiliary control. In addition, Tiphane discloses the method as claimed (col. 2, lines 50-60).

In reference to claim 29, Murai discloses in Fig. 17-18 the step of displaying the second widget includes displaying the second widget with responsive to simultaneous detection of the first physical and the second physical presence (the operator can know the corresponding characters by bringing the finger toward the proximity sensor 22 and the keytops at the same time to display a window bit map associated with the combination of the first and second controls; col. 7, lines 60-65) and display a second display widget representing a tool tip associated with the combination of the first and second controls.

In reference to claims 30-31, refer to the rejections as applied to claims 1 and 4.

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6. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiphane in view of Murai and further in view of Clark et al. (U. S. Patent No. 5,995,101), hereinafter Clark.

In reference to claim 11, the combination of Murai and Tiphane does not disclose the step of discontinuing display the first widget responsive to activation of a second auxiliary control. Clark discloses the subsequent level tool tips (discontinuing display the first widget and provide new information next level tool tip) may be invoked or triggered by activating a keystroke or keystroke combination (activation of a second auxiliary control) satisfying the claimed limitation discontinuing display the first display widget (first level tool tip) responsive to activation of a second auxiliary control (col. 2, lines 64-68, col. 3, lines 1-7).

It would have been obvious for one of ordinary skill in the art at the time of the invention provide the method disclosed by Clark, activating a keystroke to provide subsequent tool tips, in the system of Murai because it would provide the users detailed information about the function associated with a control area. (Col. 1, lines 65-67)

In reference to claim 12, Clark discloses one or more selected keystrokes may be used to closed a tool tip (deactivation of the second auxiliary control) either leaving prior level tool tip display (displaying the first display widget) satisfying the claimed limitation (col. 3, lines 1-5).

In reference to claim 13, Tiphane discloses the first and second auxiliary control as claimed (col. 1-26; furthermore, Murai discloses each icon is displayed in correspondence with the physical position in the horizontal and vertical directions of each key. In the process, assume that a finger is in contact with or in proximity to a key (first auxiliary control). As shown in FIG. 14, the brightness of a specific icon changes, thereby indicating that execution of a

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corresponding process is anticipated. A subsequent depression of the key (second auxiliary is the first auxiliary) addresses and executes an actual process (col. 7, lines 25-31).

In reference to claim 14, Clark discloses the step of deactivation the second auxiliary control for display second level of the tool tip (disabling the first display widget; col. 2, lines 64-68), and Murai discloses the step of releasing a finger causes the indication disappeared (the first physical presence breaks contact with the auxiliary control; col. 4, lines 48-50).

In reference to claim 15, refer to the rejection as applied to claim 13.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiphane and Murai in view of Johnson (U. S. Patent No. 6,246,405).

In reference to claim 8, Murai does not disclose the display widget includes a user interface through which a user may change the settings of the functionality of the first auxiliary control. Johnson discloses a widow (display widget) for changing the setting of the hot keys (functionality of the auxiliary control) as claimed.

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide the window for setting the hot keys in the system of Murai in view of the teaching of Johnson because it would provide a system that conveniently manages objects on the desktop GUI, particularly when working with a plurality of active applications (col. 2, lines 20-24).

Response to Arguments

8. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUC Q. DINH whose telephone number is (571) 272-7686. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD HJERPE can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DUC Q DINH
Examiner
Art Unit 2629



DQD
August 19, 2006